IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN

AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. Civil Second Appeal No.559 Of 2006

Nanu Ram Vs. Nemi Chand

Date Of Order ::: 21.11.2006.

Hon'ble Mr. Narendra Kumar Jain J.

Mr. Sanjay Mehrishi, Counsel for defendant-appellant
Mr. J.K. Singhi, Counsel for plaintiff-respondent

By the Court :

Heard learned counsel for both the parties.

The plaintiff-respondent filed a suit for eviction in respect of the rented property, which has been decreed by the Lower court on the ground of denial of title of the plaintiff as well as default in making the payment of rent. However, the First Appellate Court, while affirming the finding of the lower court in respect of denial of title of the plaintiff, did not pass decree of eviction on the ground of default in making the payment of rent and gave the benefit of sub Section 6 of Section 13 of the Rajasthan Premises (Control of Rent & Eviction)

Act, 1950. So far as the denial of title is concerned, both the Courts below have decreed the suit of the plaintiff.

I have heard the learned counsel for both the parties and after considering their submissions in the light of the judgment and decree passed by both the Courts below, I find that the question of denial of title in the facts and circumstances of the present case is purely a question of fact and there is a concurrent finding of fact recorded by both the Courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the C.P.C.

No substantial question of law is involved in this second appeal and the same is accordingly dismissed in limine.

(Narendra Kumar Jain) J.